

Freeport Town Council Statement regarding the distribution of "A View from the Crow's Nest"

December 20, 2011

At the Town Council meeting held on December 6, 2011 and in emails and personal conversations had with Councilors since December 6th many Freeport residents have expressed concern regarding the distribution of the private publication known as "A View from the Crow's Nest" which has been distributed at various public and private locations around Freeport over the past several weeks. In fact, individual councilors have each expressed their own concern and discomfort with this publication at this time and in the past. This publication has been distributed from time to time in Freeport over the past 25 years and the author(s) of the publication remain unknown or at least unverified. To this Council's knowledge, no elected official in the Town of Freeport, or any member of Town Staff has knowingly taken part in the production of this publication.

In response to complaints received regarding one of the most recent editions known as the "Election Special" the Town Police Chief sent a copy of the publication to the State Attorney General's Office and requested guidance on what actions should be taken given the content of the document and the perceived threats to specific individuals. The Police Chief received an answer back from the AG's office on November 23, 2011 and I would like to read that letter for the record. *[Read AG Letter]*

While the Council accepts the position taken by the AG's office relative to investigation into this matter and the appropriateness of formal action against the author(s) of the publication, the Council feels that it is necessary and appropriate to state in no uncertain terms that the Town of Freeport does not condone or support the views and opinions explicitly stated or depicted in this publication. While the views of the author(s) may be protected under the Maine Civil Rights Act and the First Amendment the Town of Freeport deplores this expression of free speech as its content is detrimental to decent moral behavior and does not serve to promote responsible civic dialogue. The Council urges the author(s) to exercise their first amendment rights in a manner that is respectful of individuals and which does not imply violence inspired by hatred or slanderous accusations.

Although the publication may be a protected expression of the author(s) right to free speech, it is also within the Town Council's purview to express this strong belief that expressions of this nature are inappropriate, hateful, and harmful to the process of civil public discourse.

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ATTORNEY GENERAL



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November 23, 2011

Chief Gerald B. Schofield
Freeport Police Department
16 Main Street
Freeport, Maine 04032

Re: Crows Nest

Dear Chief Schofield:

Thank you for providing a copy of the Crow's Nest newsletter. As you are aware the Attorney General's Office enforces the Maine Civil Rights Act. Under the Act, we may bring an action to enjoin the use of physical force or violence, the threat of physical force or violence, property damage or the threat of property damage, motivated by bias or intended to interfere with rights secured by the United States Constitution, the laws of the United States and Maine, and the Constitution of Maine.

We have reviewed the newsletter and while many would find parts of it offensive, it is not actionable under The Maine Civil Rights Act. For the content of the newsletter to be actionable it would have to contain a "direct" threat against a specific individual. Despite its offensive nature the author of the newsletter is doing nothing more than engaging in First Amendment speech.

Please be aware that the Attorney General's Office was also contacted about the newsletter by Representative David Webster. Representative Webster's inquiry was on behalf of a constituent offended by the newsletter. We explained to Representative Webster that despite its offensive content the author of the newsletter was engaging in speech protected by the First Amendment and that for speech to be actionable it would have to be a "direct" threat aimed at a specific target.

Even though this complaint is not actionable we appreciate that it was reported and it will be logged in for informational purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "Margie Berkovich".

MARGIE BERKOVICH
Detective

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Cc: Civil Rights File - CLOSED / INT 2011